

Before the  
Federal Communications Commission  
Washington, D.C. 20554

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In the Matter of )  
)  
Petition of U S WEST Communications, Inc. )  
for a Declaratory Ruling Regarding the ) CC Docket No. 97-172  
Provision of National Directory Assistance )

**ORDER ON RECONSIDERATION**

**Adopted:** August 28, 2002

**Released:** September 6, 2002

By the Commission:

**I. INTRODUCTION**

1. In the *NDA Order*, the Commission concluded that U S WEST's nonlocal directory assistance service to its in-region subscribers constitutes the provision of in-region, interLATA service, as defined in section 271(a) of the Communications Act of 1934, as amended (the Act).<sup>1</sup> It also concluded that a Bell Operating Company (BOC) could provide nonlocal directory assistance service as an "incidental interLATA service" pursuant to the exception contained in section 271(g)(4) of the Act without obtaining authorization under the general provisions of section 271.<sup>2</sup> It found, however, that because section 271(g)(4) only allows the provision of incidental interLATA service by a BOC if the service is provided using the "information storage facilities of such company," the section allows the provision of nonlocal directory assistance service only when the BOC uses its "own centralized information storage facilities" to provide the service.<sup>3</sup> This Order addresses a petition for limited reconsideration on this issue filed by BellSouth Corporation (BellSouth) by further defining the meaning of the phrase "of such company" in section 271(g)(4).<sup>4</sup>

<sup>1</sup> *Petition of U S WEST Communications, Inc. for a Declaratory Ruling Regarding the Provision of National Directory Assistance*, CC Docket No. 97-172, Memorandum Opinion and Order, 14 FCC Rcd 16252 (1999) (*NDA Order*). NDA is an acronym for national directory assistance. In-region, interLATA service refers to telecommunications between a point located in a local access and transport area (LATA) in a Bell Operating Company's home region and a point located outside the LATA.

<sup>2</sup> *Id.* at 16265, para. 23.

<sup>3</sup> *Id.* at 16266, para. 24.

<sup>4</sup> *Petition of U S WEST Communications, Inc. for a Declaratory Ruling Regarding the Provision of National Directory Assistance*, BellSouth Petition for Limited Reconsideration, filed Oct. 27, 1999 (Petition). On November 4, 1999, the Commission issued a public notice notifying parties that oppositions and replies to oppositions on BellSouth's petition were due in accordance with the filing requirements in 47 C.F.R. § 1.4(b)(1). AT&T Corp. (continued....)

## II. BACKGROUND

### A. Statutory Language

2. The relevant statutory language for our analysis is in sections 271(g) and 271(h) of the Act. Section 271(g) states:

For purposes of this section, the term "incidental interLATA services" means the interLATA provision by a Bell operating company or its affiliate –

\* \* \* \*

(4) of a service that permits a customer that is located in one LATA to retrieve stored information from, or file information for storage in, information storage facilities of such company that are located in another LATA.<sup>5</sup>

Section 271(h) states:

The provisions of subsection (g) are intended to be narrowly construed. . . . The Commission shall ensure that the provision of services authorized under subsection (g) by a Bell operating company or its affiliate will not adversely affect telephone exchange service ratepayers or competition in any telecommunications market.<sup>6</sup>

### B. NDA Order

3. In the *NDA Order*, the Commission explained that directory assistance service is considered "nonlocal" whenever a customer requests the telephone number of a subscriber located outside his or her home LATA.<sup>7</sup> The Commission concluded that U S WEST's provision of nonlocal directory assistance service constituted in-region, interLATA service because it involved transmission of end user calls across LATA boundaries, primarily through U S WEST's use of its official services network or leased common carrier lines to retrieve directory listing information from a database located outside its 14-state region.<sup>8</sup> The Commission also found

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(AT&T), Excell Agent Services, L.L.C. (Excell), and MCI WorldCom (WorldCom) filed oppositions. BellSouth and Bell Atlantic, now Verizon, filed replies.

<sup>5</sup> 47 U.S.C. § 271(g)(4).

<sup>6</sup> 47 U.S.C. § 271(h).

<sup>7</sup> *NDA Order*, 14 FCC Rcd at 16255, para. 6. In this Order, we refer interchangeably to national and nonlocal directory assistance as directory assistance service provided to customers located outside the caller's home LATA.

<sup>8</sup> *Id.* at 16263, para. 18. Official services networks are interLATA networks that the BOCs were allowed to maintain for the management and operation of local exchange services under the Modification of Final Judgment (MFJ). These interLATA networks are used to perform official services, such as connecting directory assistance (continued....)

that the provision of nonlocal directory assistance service constitutes a permissible incidental interLATA service under section 271(g)(4) of the Act, provided that the BOC uses its own information storage facilities to provide the service. It stated:

As an initial matter, we conclude that section 271(g)(4), by its express terms, authorizes BOC provision of the capability for customers to access only the BOC's own centralized information storage facilities. Indeed, we find that this construction of the statute is apparent from Congress' use of the term 'such company' in setting forth types of services authorized by section 271(g)(4). Thus, section 271(g)(4) permits a BOC to offer the incidental interLATA service described therein only when it *uses its own facilities*. Such a construction of section 271(g)(4) is consistent with Congress' directive that the provisions of section 271(g) are to be narrowly construed.<sup>9</sup>

Although the *NDA Order* made clear that the BOC must use its own facilities to provide nonlocal directory assistance service, it did not otherwise address the extent of the interest that would be required under section 271(g)(4). It found only that U S WEST's use of a database owned entirely by a third party, Nortel Networks, Inc. (Nortel), did not comply with the ownership requirement.<sup>10</sup> The Commission also emphasized that its determination that U S WEST's nationwide directory assistance service does not satisfy the requirements of section 271(g)(4) was "limited to the facts presented in the instant proceeding."<sup>11</sup>

4. Since the Commission released the *NDA Order*, the BOCs have been offering nonlocal directory assistance service throughout their regions. Based on the BOCs' representations that they own 100 percent of the information storage facilities they use in the provision of the service, the Common Carrier Bureau, now the Wireline Competition Bureau, concluded that each BOC's nonlocal directory assistance service is an incidental interLATA service under section 271(g)(4).<sup>12</sup> A BOC's information storage facilities typically store both local listings, obtained from the processes associated with providing local exchange service to its customers, and nonlocal listings, obtained from various sources and then loaded into the BOC's facilities. These sources include other BOC and non-BOC incumbent local exchange carriers (LECs), competitive LECs, and third party vendors.

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operators in different LATAs with customers and monitoring and controlling trunks and switches. See *United States v. Western Electric*, 569 F.Supp. 1057, 1097-1101 (D.D.C.), *aff'd*, 464 U.S. 1013 (1983).

<sup>9</sup> *NDA Order*, 14 FCC Rcd. at 16265, para. 23 (emphasis added).

<sup>10</sup> *Id.* at 16266, para. 24.

<sup>11</sup> *Id.*

<sup>12</sup> E.g., *Petition of Bell Atlantic for Forbearance from Section 272 Requirements in Connection with National Directory Assistance Services*, CC Docket No. 97-172, Memorandum Opinion and Order, 14 FCC Rcd 21484 (Com. Car. Bur. 1999) (*Bell Atlantic NDA Order*).

### C. BellSouth's Requests

5. BellSouth interprets the *NDA Order* as requiring that a BOC own 100 percent of the information storage facilities it uses to provide nonlocal directory assistance service in order to satisfy the requirements of section 271(g)(4). Arguing that such a requirement is not mandated by the statute, it requests that we now find explicitly that section 271(g)(4) permits BOCs to provide the service through a less restrictive means of ownership.<sup>13</sup> It suggests that we interpret section 271(g)(4) to allow sharing of storage facilities among unaffiliated directory assistance providers through leasing or contracting arrangements.<sup>14</sup> In the alternative, it requests that we find that a BOC's holding greater than a 10 percent interest in the facilities is sufficient to make them the "information storage facilities of such company."<sup>15</sup> Several parties oppose BellSouth's request on the grounds that the statute requires full ownership of the facilities by the BOC and that full ownership is necessary to ensure that competitive directory assistance providers have nondiscriminatory access to each BOC's listing information.<sup>16</sup>

6. In subsequent letter filings with the Commission, BellSouth also argues that a less restrictive facilities ownership requirement is necessary to allow it to offer international directory assistance service.<sup>17</sup> It asks us to find that under section 271(g)(4) it may use foreign databases, in which it has no ownership interest, to respond to a *de minimis* number of customer queries for international directory listings.<sup>18</sup>

## III. DISCUSSION

### A. Facilities Ownership Issue

7. Upon further review, we conclude that we can more explicitly define the meaning of the phrase "of such company" in section 271(g)(4). We recognize that the statute does not specifically address the type of interest a BOC must have in information storage facilities for

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<sup>13</sup> Petition at 4-7.

<sup>14</sup> *Id.* at 7.

<sup>15</sup> *Id.* at 7-8 (citing *NDA Order*, 14 FCC Rcd at 16268, para. 27). Bell Atlantic, now Verizon, agrees with BellSouth that the phrase, "information storage facilities of such company," without additional language regarding ownership, permits arrangements such as leases and those in which the company buys or contracts for the right to use the facilities. Bell Atlantic Reply at 1-2.

<sup>16</sup> See AT&T Opposition at 3-5; Excell Opposition at 1-2; WorldCom Opposition at 3-8.

<sup>17</sup> See Letter from Angela N. Brown, Regulatory Counsel, BellSouth, to Michelle Carey, Division Chief, Policy and Program Planning Division, Common Carrier Bureau, Federal Communications Commission, CC Docket No. 97-172, at 3-4 (filed Oct. 5, 2001) (*BellSouth Oct. 5, 2001 Letter*); Letter from Angela N. Brown, Regulatory Counsel, BellSouth, to Michelle Carey, Division Chief, Policy and Program Planning Division, Common Carrier Bureau, Federal Communications Commission, CC Docket No. 97-172, at 7-8 (filed Aug. 24, 2001) (*BellSouth Aug. 24, 2001 Letter*).

<sup>18</sup> *BellSouth Aug. 24, 2001 Letter* at 7-8.

them to be considered facilities “of such company” within the meaning of section 271(g)(4), and that this phrase is subject to different interpretations.<sup>19</sup> We find, however, that in the absence of Congress speaking directly to this specific issue, the best and most reasonable interpretation is one that requires the BOC to have an actual ownership interest in the information storage facilities, consistent with how ownership is otherwise cognizable under the Act. For the reasons discussed below, we conclude that a BOC that holds greater than a 10 percent interest in the information storage facilities used to provide nonlocal directory assistance service would satisfy the requirement in section 271(g)(4) that the facilities be the “information storage facilities of such company.”

8. We begin by noting that the phrase at the core of our analysis, “of such company,” does not, itself, incorporate an express reference to any specific type of interest. Because section 271 does not define the specific amount of BOC ownership required, we can look for guidance on this issue in other parts of the Act. Section 274, which addresses the provision of electronic publishing by a BOC, defines “own” as having a “direct or indirect equity interest (or the equivalent thereof) of more than 10 percent of an entity, or the right to more than 10 percent of the gross revenues of an entity under a revenue sharing or royalty agreement.”<sup>20</sup> This is consistent with the definition of “affiliate” in section 3(1) of the Act, which specifies that “an equity interest (or the equivalent thereof) of more than 10 percent” creates an affiliate relationship.<sup>21</sup> We conclude that this “more than 10 percent” threshold, which Congress has used in other parts of the Act, is reasonably applied to the more ambiguous language in section 271(g)(4). We agree with BellSouth that if ownership of a corporation or other entity may be attributed to a company that holds a greater than 10 percent interest in that entity, a BOC’s similar ownership interest in information storage facilities should be sufficient to make those facilities the “information storage facilities of such company.”<sup>22</sup> We find that reading section 271(g)(4) as allowing BOC provision of database storage and retrieval services in this manner results in only a narrow exception to the general prohibition against BOC provision of interLATA services in the absence of authorization under the general provisions of section 271 and therefore is reasonable.

9. We further find that our interpretation of section 271(g)(4) is consistent with Congress’ directive in section 271(h) that the provisions of section 271(g) are to be narrowly

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<sup>19</sup> We note that section 274(g)(4) refers to the incidental interLATA services that “a [BOC] or its affiliate” may provide. For simplicity, we refer to the “BOC” throughout this Order.

<sup>20</sup> 47 U.S.C. § 274(i)(8).

<sup>21</sup> 47 U.S.C. § 153(1).

<sup>22</sup> Petition at 8; cf. *GTE Corporation, Transferor, and Bell Atlantic Corporation, Transferee, For Consent to Transfer Control of Domestic and International Sections 214 and 310 Authorizations and Application to Transfer Control of a Submarine Cable Landing License*, Memorandum Opinion and Order, 15 FCC Rcd 14032, 14037, para. 5 (2000) (*Bell Atlantic/GTE Merger Order*) (recognizing that an ownership interest of less than 10 percent does not constitute an attributable interest under section 3(1)).

construed.<sup>23</sup> The Commission has concluded that the language in these subsections should be read as reflecting Congress' awareness that a broad reading of the exceptions in section 271(g) could adversely affect implementation of sections 251 and 271 of the Act.<sup>24</sup> The Commission has therefore determined that allowing certain far-reaching actions, such as eliminating LATA boundaries for incidental interLATA services, would clearly conflict with section 271(h)'s mandate.<sup>25</sup> However, as we find here, allowing a BOC to maintain less than full ownership, but greater than 10 percent ownership, of their information storage facilities does not similarly affect implementation of sections 251 and 271 because we are not extending the type or scope of "incidental" service that the BOCs may provide pursuant to section 271(g)(4). Thus, our construction of section 271(g)(4) in this Order is consistent with the language of the statute.

10. Establishing a clear threshold of at least 10 percent BOC ownership is not only the most reasonable reading of the text of the statute, but it is also consistent with the policy goals of providing certainty to the industry and encouraging nondiscriminatory access to directory listings by competitors. Setting a clear threshold will allow BOCs and competitive providers of nonlocal directory assistance service to explore varied ownership arrangements for information storage facilities. Our determination that BOCs may own less than 100 percent of their storage facilities could also reduce the costs that directory assistance providers incur to provide service.<sup>26</sup> We balance this potential cost savings with the ability of competitive providers of directory assistance service to access the BOCs' directory listings on a nondiscriminatory basis. We find nothing in the record to suggest that an interest of less than 100 percent would undermine the Commission's nondiscrimination requirements relating to the provision of directory listing information. We will monitor the situation, however, and take corrective action if necessary.

11. The finding here that allowing a BOC to own only 10 percent of each information storage facility it uses to provide national directory assistance can enhance competition for nonlocal directory assistance service and benefit consumers is also consistent with the Commission's conclusion in the *NDA Order* that U S WEST's provision of nonlocal directory

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<sup>23</sup> Section 271(h) states that the "provisions of subsection (g) are intended to be narrowly construed," and that "the Commission shall ensure that the provision of services authorized under subsection (g) by a Bell Operating Company or its affiliate will not adversely affect telephone exchange service ratepayers or competition in any telecommunications market." 47 U.S.C. § 271(h).

<sup>24</sup> See *Deployment of Wireline Services Offering Advanced Telecommunications Capability; Request by Bell Atlantic-West Virginia for Interim Relief Under Section 706, or in the Alternative, a LATA Boundary Modification*, CC Docket No. 98-147 and NSD-L-98-99, Fourth Report and Order and Memorandum Opinion and Order, 15 FCC Rcd 3089, 3109, para. 40 (2000).

<sup>25</sup> *Id.*

<sup>26</sup> BellSouth states that a wholly-owned, free standing, national directory assistance storage facility could cost up to \$8 million, and that if all BOCs were required to make such individual investments, it would result in duplication of costs and facilities. BellSouth states that the costs of these duplicate facilities would be recovered through the price of their directory assistance service. Petition at 6-7.

assistance service would meet the requirements of section 271(h).<sup>27</sup> There, the Commission stated,

[I]n view of our finding that U S WEST's provision of regionwide directory assistance service will promote competition in the interLATA directory assistance services market, we conclude that the directive in section 271(h) that the services authorized in section 271(g) "will not adversely affect telephone exchange ratepayers or competition in any telecommunications market" is fulfilled.<sup>28</sup>

Similarly, we find here that there are positive benefits associated with a BOC's provision of interLATA directory assistance service, and that allowing it to maintain more flexible interests in information storage facilities will help realize these benefits.

12. We also find it to be significant that the Commission emphasized that its determination in the *NDA Order* that U S WEST's nationwide directory assistance service did not satisfy the requirements of section 271(g)(4) was "limited to the facts presented in the instant proceeding."<sup>29</sup> The record there indicated that U S WEST used a "Nortel owned" database located outside of its region to provide nationwide directory assistance service.<sup>30</sup> Therefore, the Commission analyzed a situation in the *NDA Order* in which the BOC did not own any portion of the information storage facilities it used to provide nonlocal directory assistance service, which it found would both violate section 271(g)(4) and be inconsistent with Congress' directive in section 271(h).<sup>31</sup> The Commission therefore did not consider the implications associated with requiring that a BOC maintain an actual, but less than exclusive, ownership interest in information storage facilities, as we do here.

13. We reject BellSouth's contention that section 271(g)(4) refers only to facilities the costs of which the BOC has incorporated into its costing and pricing structure, regardless of who owns them.<sup>32</sup> To the extent that such arrangements take the form of lease or contractual interests in the facilities, we find that such an arrangement would not amount to the ownership interest required under section 271(g)(4).<sup>33</sup> Permitting a BOC to maintain only a leasehold in the storage

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<sup>27</sup> *NDA Order*, 14 FCC Rcd at 16266, para. 25.

<sup>28</sup> *Id.*

<sup>29</sup> *Id.* at 16266, para. 24.

<sup>30</sup> *Id.* at 16256, 16266, paras. 9, 24.

<sup>31</sup> *Id.* at 16265-66, paras. 23-24.

<sup>32</sup> Petition at 7; BellSouth Reply at 3. See also BellSouth Aug. 24, 2001 Letter at 5.

<sup>33</sup> See *supra* paras. 7-8.

facilities, as BellSouth urges,<sup>34</sup> could allow the BOCs to provide nonlocal directory assistance service on a broad basis while claiming that they have little or no control over the ability of competitors to access the listings contained in the database, as required by section 251(b)(3) of the Act. Such a result would be inconsistent with the language of the statute.<sup>35</sup> Furthermore, BellSouth's argument is based on the Commission's determination, in the *Universal Service Order*,<sup>36</sup> that leased unbundled network elements are considered to be the lessee's "own facilities" for purposes of Section 214(e)(1)(A) of the Act even though the competitive LEC does not hold absolute title to them.<sup>37</sup> BellSouth's comparison is inapposite. Section 251(c)(3) states that incumbent LECs have a duty to provide to carriers nondiscriminatory access to unbundled network elements to provide telecommunications service. Section 271(g)(4), on the other hand, does not grant the BOCs a similar right of access to the information storage facilities, but rather places a condition on their ability to provide incidental interLATA service. In order to give full effect to this condition, the BOCs must own at least a portion of the facilities. In this respect, we are particularly mindful of our obligation under section 271(h) to construe section 271(g) narrowly, quite aside from our general obligation to give effect to the wording of the statute.

14. We also reject the arguments of certain parties that the BOCs must maintain full and exclusive ownership of their information storage facilities. Specifically, we reject these parties' contentions that permitting the BOCs to share ownership of an information storage facility would prevent competitive directory assistance providers from accessing the BOCs' directory listing information.<sup>38</sup> Under the Commission's nondiscrimination rules, any LEC that provides local or national listing information for the purpose of its own directory assistance operations (whether provided on an integrated basis or through an affiliate) must make that same information available to competing directory assistance providers on a nondiscriminatory basis.<sup>39</sup> Accordingly, nothing in this Order changes the applicability of the Commission's

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<sup>34</sup> See *BellSouth Aug. 24, 2001 Letter* at 5-6.

<sup>35</sup> Section 271(h) requires that the provision of incidental interLATA service not harm competition in any telecommunications market. 47 U.S.C. § 271(h).

<sup>36</sup> *Federal State Joint Board on Universal Service*, CC Docket No. 96-45, Report and Order, 12 FCC Rcd 8776, 8865-66, paras. 158-59 (1997) (subsequent history omitted) (*Universal Service Order*).

<sup>37</sup> *BellSouth Aug. 24, 2001 Letter* at 5 (citing *Universal Service Order*, 12 FCC Rcd at 8865-66, paras. 158-59). Section 214(e)(1)(A) provides that a common carrier may be designated as eligible to receive federal universal service support if, among other conditions, it offers the services for which support is sought either "using its own facilities or a combination of its own facilities and resale of another carrier's service." 47 U.S.C. § 214(e)(1)(A).

<sup>38</sup> WorldCom Opposition at 7-8; Excell Opposition at 4.

<sup>39</sup> *Provision of Directory Listing Information Under the Telecommunications Act of 1934, As Amended*, CC Docket No. 99-273, First Report and Order, 16 FCC Rcd 2736, 2750-51, para. 32 (2001) (specifying that "to the extent that a carrier provides access to national DA information [to] any other DA provider, including another LEC, it must make that same information available to competing DA providers under nondiscriminatory rates, terms, and conditions as required by this order") (*Directory Listings Order*). We note that BellSouth agrees that companies participating in a sharing arrangement must comply with the Commission's nondiscrimination requirements. *BellSouth Aug. 24, 2001 Letter* at 6.



nondiscrimination rules relating to the provision of directory listing information. We, therefore, agree with WorldCom that if a BOC provides national directory assistance information to other BOCs in its role as a directory assistance provider, then it must make the same information available to competing directory assistance providers under nondiscriminatory rates, terms, and conditions.<sup>40</sup> WorldCom's arguments also presume that the BOCs would, as a group, immediately divest themselves of their existing storage facilities and establish a commonly-owned facility, which is not at all clear from the record here. While WorldCom is correct in arguing that we are not requiring that competitors own any part of an information storage facility under section 271(g)(4), they are clearly not prohibited from doing so. Indeed, as the Commission previously found with regard to U S WEST, the BOCs face competition from many other providers of nonlocal directory assistance service, and do not exercise monopoly power over the components used to provide the telephone numbers of customers outside of each of their regions.<sup>41</sup> Rather, like competing providers of nonlocal directory assistance, the BOCs must obtain the telephone numbers of subscribers outside their regions from non-affiliated entities that compile national listings or from other LECs.<sup>42</sup> Accordingly, WorldCom's arguments give us no reason to impose a 100 percent ownership requirement in the face of a more reasonable interpretation of the statute.

#### B. International Directory Assistance Issue

15. We deny, on procedural grounds, BellSouth's request for a *de minimis* exception to the facilities ownership requirement for international directory assistance queries. In its August 24, 2001 letter, BellSouth argues for the first time in this proceeding that a directory assistance provider cannot practically own and maintain a database of listings from all the countries that generate directory assistance inquiries, and that a less restrictive ownership requirement than the one required in the *NDA Order* would enable BOCs and other carriers to provide expanded directory assistance services.<sup>43</sup> WorldCom opposes BellSouth's request on the ground that the statute does not provide an exception for the *de minimis* provision of in-region, interLATA services.<sup>44</sup> The *NDA Order* was clearly confined to the issue of domestic directory assistance services. It states that the directory assistance services under review allow subscribers

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<sup>40</sup> Letter from Karen Reidy, Associate Counsel, Federal Law and Public Policy, WorldCom, to Magalie Roman Salas, Secretary, Federal Communications Commission, CC Docket No. 97-172, at 4 (filed Oct. 15, 2001) (*WorldCom Oct. 15, 2001 Letter*).

<sup>41</sup> See *NDA Order*, 14 FCC Rcd at 16265, para. 23. We note that the Common Carrier Bureau made similar findings with regard to other BOCs. See, e.g., *Bell Atlantic NDA Order*, 14 FCC Rcd at 21491, para. 14.

<sup>42</sup> *Petition of U S WEST Communications, Inc. for a Declaratory Ruling Regarding the Provision of National Directory Assistance; Petition of U S WEST Communications, Inc. for Forbearance; The Use of N11 Codes and Other Abbreviated Dialing Arrangements*, CC Docket Nos. 97-172 and 92-105, 14 FCC Rcd 16252, 16271, para. 33 (1999).

<sup>43</sup> *BellSouth Aug. 24, 2001 Letter* at 7-8.

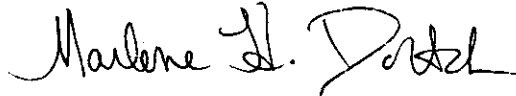
<sup>44</sup> *WorldCom Oct. 15, 2001 Letter* at n.13.

to obtain the telephone number of a subscriber located "anywhere in the United States."<sup>45</sup> As we stated above, the findings in the *NDA Order* were also limited to the facts presented in that proceeding.<sup>46</sup> Accordingly, the Commission did not consider the BOCs' provision of international directory assistance services, and we therefore conclude that it is procedurally inappropriate to rule on this issue in the context of BellSouth's limited request for reconsideration of the *NDA Order*. We note that in rejecting BellSouth's request on the basis that international directory assistance services were not within the scope of the *NDA Order*, we do not make any findings or otherwise imply that BellSouth or any other BOC is not required to comply with section 271(g)(4) or any other part of the Act if it provides international directory assistance service. BellSouth may file a petition for declaratory ruling if it deems it necessary to resolve this issue.<sup>47</sup>

#### IV. ORDERING CLAUSE

16. Accordingly, IT IS ORDERED, pursuant to sections 4, 10, 201-205, 271-272 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154, 160, 201-205, 271-272, and sections 1.106 of the Commission's rules, 47 C.F.R. § 1.106, that BellSouth's Petition for limited reconsideration IS GRANTED to the extent set forth herein, and otherwise IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION



Marlene H. Dortch  
Secretary

<sup>45</sup> *NDA Order*, 14 FCC Rcd at 16255-57, paras. 7-10.

<sup>46</sup> *See supra* paras. 3, 12.

<sup>47</sup> 47 C.F.R. § 1.2. We note, however, that this issue becomes moot once a BOC receives section 271 approval in all states within its region.